



## **EMPLOYMENT FIRST COMMITTEE**

### **NOTICE/AGENDA**

Posted at [www.scdd.ca.gov](http://www.scdd.ca.gov)

**DATE:** April 30, 2013

**TIME:** 10:30 AM - 4:00 PM

**LOCATION:** The Red Lion Hotel  
500 Leisure Ln  
Sacramento, CA 95815  
(916) 922-2020

*Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Michael Brett at (916) 322-8481 or email [michael.brett@scdd.ca.gov](mailto:michael.brett@scdd.ca.gov). Requests must be received by 5:00 pm April 23, 2013.*

### **AGENDA**

- |                                 |           |   |
|---------------------------------|-----------|---|
| <b>1. CALL TO ORDER</b>         | K. Weller |   |
| <b>2. WELCOME/INTRODUCTIONS</b> | K. Weller |   |
| <b>3. ESTABLISH A QUORUM</b>    | K. Weller |   |
| <b>4. APPROVAL OF MINUTES</b>   | K. Weller | 3 |

#### 4. PUBLIC COMMENTS

*This item is for members of the public only to provide an opportunity to comments and/or present information to the Committee on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Committee will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.*

<b>5. INTERACTION OF WORK AND BENEFITS AND SYSTEM REFORM PROPOSAL</b>	E. Glunt B. MacDonald	8
<b>6. UPDATE ON SELF-ADVOCACY INTERVIEWS</b>	O. Raynor	
<b>7. EMPLOYMENT DATA REQUEST (CECY REPORT)</b>	M. Clark	
<b>8. REVIEW OF EMPLOYMENT LEGISLATION</b>	M. Polit	24
<b>9. EMPLOYER EDUCATION – NEXT STEPS</b>	M. Polit	
<b>10. PLANNING FOR NEXT MEETINGS</b>	M. Polit	
<b>11. ADJOURNMENT</b>	K. Weller	

For additional information regarding this agenda, please contact Michael Brett,  
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# Employment First Committee

DRAFT Meeting Minutes of February 5, 2013  
Sacramento, California

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## Members Present

Tony Anderson  
Lisa Cooley  
Denyse Curtright  
Chris Foisy for Dennis Petrie  
Kathleen Derby  
Sharon Galloway for Robin Hansen  
Connie Lapin  
Bill Moore  
Andrew Mudryk  
David Mulvey  
Kecia Weller, Chairperson  
Amy Westling  
Barbara Wheeler  
Cindy White

## Members Absent

Daniel Boomer  
Rachel Chen  
Dale Dutton  
Olivia Raynor  
Debbie Sarmento  
Rachel Steward  
Robert Taylor

## Others Present

Michael Brett, Staff  
Marissa Clark  
Eric Glunt  
Sharon Hanson  
Mark Polit, Staff  
Mary Agnes Nolan, Staff  
Sam Seaton, Pride Industries  
Ruby Villanueva, Staff  
Edward White

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## Call to Order

Kecia Weller, Chairperson, called the meeting to order at 10:34pm

## Welcome and Introductions

Kecia Weller shared her excitement to be chairing the Employment First Committee. Those attending in person introduced themselves.

## Quorum

A quorum was established

## Approval of Minutes of December 18, 2012

Motion was carried to approve minutes without modifications

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**MOTION TO ACCEPT:** *Lisa Cooley* **SECONDED:** *Bill Moore* **APPROVE:** 12 **OPPOSE:** 0 **ABSTAIN:** 2 (*Connie Lapin, Barbara Wheeler*)

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## Public Comments

No public comments were presented

## Proposal – Self-Advocate Interviews

**Kecia Weller** presented information on the *Self-Advocacy Team Data Collection Project* intended to interview 400 self advocates, between the ages of 18-30 years old. The interviews would determine their interest regarding integrated competitive employment (ICE) and get first hand information about their experience with employment and seeking employment. There will be four (4) self advocate leaders on the team conducting these interviews: **Cindy White, Lisa Cooley, Robert Taylor and Kecia Weller**. The team asked for input and recommendations from the Employment First Committee.

**Barbara Wheeler** expressed her gratification that such an endeavor is being attempted and shared the importance of the team **clearly identifying its focus** and knowing exactly what **data they are attempting to capture**. She suggested that **quantitative data** is available from other sources, but the self-advocates are in a unique position to gather **qualitative data**, such as stories and perception. Ensuring the **integrity of the data collection process** should be a priority, while understanding that it is from the analysis of the discussion that you obtain valuable information.

Barbara made the following suggestions:

- Due to the size of the sample group intended on being interviewed and the time and commitment that would be required by the team leaders, interview people in small 10 person focus groups.
- Understand how you are going to identify people being interviewed
- Record interviews (takes time to analyze data and themes, but recording the interviews will make certain all comments are considered).
- Make some of your questions open ended
- Use terms that are easily understood (ex, ask “how much do you get paid”, instead of “do you make more than minimum wage”)
- Interviewees may not be able to provide certain information immediately, so find a way to get the information after the focus group has met.

**Bill Moore** added the need to understand the intended outcome of the interviews and asked how the information is to be used, so that the findings are related specifically to the work of the EFC.

**Sharon Galloway** expressed the need to focus questions on barriers and transition issues as it is important to know what is preventing people from obtaining or even seeking employment. That way the analysis could identify common themes. Asking about pre-vocational training is recommended.

**Connie Lapin** shared concern about using the term pre-vocational as it means different things to different people. Instead she suggested asking, “What helped you get ready for work experience?” Connie also suggested that questions about transition are important. Connie is willing to help get families on board with this data collection process.

Denyse Curtright offered to provide demographic data (by ethnicity, disability, residence type, etc.) on working RC consumers.

*Finally, the EFC agreed that collecting compelling stories from self-advocates is a meaningful undertaking that can support the EFC's work, affect policymakers, and help drive change. Additionally, the interview/focus group process can identify trends in barriers to employment that can inform the EFC's work. Kecia will work with Olivia Raynor from the Tarjan Center, University Center for Excellence in Developmental Disabilities (UCEDD), UCLA. They will work to revise questions and plan how to collect the data. Kecia will bring that plan back to the Self-Advocates and Mary Agnes Nolan and other Council staff to make more plans on how to do interviews and analyze the stories people tell.*

#### **Presentation of the Final 2012 Employment First Committee Annual Report**

Mark Polit presented the final 2012 EFC Report. The report was modified per the suggestions made at the last EFC meeting on December 18, 2012. The full Council approved the EFC report on January 16, 2013 and was subsequently submitted to the Governor's Office.

#### **EFC Strategic Planning Process**

Mark Polit facilitated the Strategic Planning Process. He reviewed the legislative history of the EFC and its statutory responsibilities. He presented the "cheat sheet" that listed statutory responsibilities and the commitments the EFC made for further work in the 2012 Employment First Report. He reviewed with the EFC their 2012 priorities:

The priorities of the EFC are:

1. Prioritize the enactment of an Employment First Policy
2. Strengthen youth transition to integrated complete employment.

Cross Cutting Priorities of the Employment First Committee are:

1. Participation by traditionally under-represented groups
2. Increase expectations for work (early childhood through working age)
3. Interagency collaboration

Barbara Wheeler made a motion to take the #1 crosscutting priority (Participation by traditionally under-represented groups) and move it so it becomes a third priority of the EFC. This motion was carried.

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**MOTION TO ACCEPT:** Barbara Wheeler

**SECONDED:** Andy Mudryk

**APPROVE:** 14

**OPPOSE:** 0

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The EFC listed the groups the Committee and its members collaborate with to understand how our work relates and that we do not duplicate efforts. Cindy commented that this showing us our "family tree":

- California Employment Consortium for Youth (CECY)
- Statewide Self-Advocacy Network (SSAN)
- California Committee on the Employment of People with Disabilities (CCEPD)
- Community of Practice (California Department of Education and Department of Rehabilitation)
- CA Coalition for Persons in Secondary Education
- Southern California APSE
- Colleges to Career
- Department of Labor Office of Disability Employment Policy
- US Office of Special Education Programs
- The Arc of the United States
- National Growers Association.

**The EFC made the following decisions for its work in 2013:**

- The major area of focus for 2013 is helping people with developmental disabilities and their families (including people in under-represented groups) understand the relationship between work and public benefits. (This responds to the barrier that many people with developmental disabilities do not look for work because they are afraid to lose their public benefits). The EFC will:
  - Invite Bryon MacDonald from the World Institute on Disability and Eric Glunt from the California Health Incentives Improvement Project (CHIIP) to give an overview of state and federal work incentives and present on potential public benefit policy changes.
  - Make recommendations for state or federal public benefit policy changes to better enable people receiving public benefits to work. Explore possible impact of the ABLE Act and the idea of a “get out of jail free card”, to try to minimize the risk of losing benefits through paperwork errors.
  - Tony Anderson from the Arc of California will check with the Supported Life Institute to see if we can have a session at the Supported Life Conference on public benefits and work.
  - Tony Anderson will check with the College of Direct Support and Essential Learning to see if they have coursework on public benefits and work.
  - The MIND Institute Center for Excellence in Developmental Disabilities holds an annual event in October for National Disability Employment Awareness Month, which includes information on the relationship of work and public benefits.
  - Amy Westling from the Association of Regional Center Agencies will check with regional centers on what training materials they may have on the subject of work and public benefits.
  - Further discussion on EFC activities will take place at the May meeting.
- The other main area of focus will be education of employers. The EFC will plan how to address this focus area at the May meeting.

- Additionally, the EFC seeks information from the following and discuss implications for further work:
  - Denyse Curtright from DDS will present data from the CDER on employment status compared to ethnicity, age and other factors.
  - A vendors' perspectives panel on how to improve Supported Employment.
  - At the May EFC meeting, plan for a panel from selected Special Education Local Planning Areas and the California Department of Education. The panel would address best practices on how students need to be supported, what needs to happen, before they transition from K-12 education to work or post-secondary education.

### **Adjournment**

The meeting was adjourned by Chairperson Kecia Weller at 3:30pm



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**DISCUSSION DRAFT**

Center on Economic Growth  
**WORLD INSTITUTE on DISABILITY**  
In partnership with  
**National Council on Independent Living**

**Let Me Work**

A Policy Framework of Americans with Disabilities  
On  
Employment, Economic Equity,  
Social Insurance, and Public Benefits

**Policy Option One**

Test Replacing the SSI Program with the Career Building ACCESS Program for  
Youth 18 to 30, with SSA as a Required Partner

By

Thomas Foley, Bryon R. MacDonald

With Contributions From

Anita S. Aaron, Neil Jacobson

**DISCUSSION DRAFT**

**March 4, 2013**

## **Policy Framework Sections**

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### **ABSTRACT**

#### **SSA DISABILITY PROGRAMS: POST ENTITLEMENT REFORM DIRECTIONS**

**Policy Option One:** Test Replacing the SSI Program with the ACCESS Program for Youth 18 to 30

**Policy Option Two:** (to follow) Discussion Elements for an SSDI Let Me Work Program

### **CONTRIBUTORS**

#### **SSA DISABILITY PROGRAMS: PRE-ENTITLEMENT REFORM DIRECTONS**

### **NEXT STEPS**

### **RESOURCES AND BIBLIOGRAPHY**

The WORLD INSTITUTE on DISABILITY and the National Council on Independent Living acknowledge and thank WID's Center on Economic Growth Advisory Panel Members and NCIL Members for their insights and perspectives with drafts of this paper.

["The best form of disability advocacy is your career."](#)

[Hamza Jaka, UC Berkeley Class of 2014](#)

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## ABSTRACT

Policy thought leaders across the country agree that the Social Security disability programs remain the single, most pervasive deterrent to the productivity and economic well being of Americans with disabilities.

The cultural and public policy challenge of our time is that mainstream America, individuals and families, understand the following statement all too well, and present as powerless to address it in sustainable ways that improve quality of life:

*"I am going out on disability."*

The prevailing culture and U.S. federal policy endures that disability separates, from the workforce and other key aspects of life. The 2013 goal is to address and effect legislation that changes federal public policy and the stagnant unemployment rates of Americans with disabilities it supports.

These policy directions arise from experts in the field who are Americans living with the high costs of disability and long term health conditions. After decades of research, discussion, and false starts at structural reform, a focus has emerged to replace federal disability policy on disability benefits with new programs commensurate with our expectations that we be productive, and engaged in self-managing careers backed by consistent and more efficiently run disability services.

The Policy Option One in this paper, a 12 year pilot project for SSI youth 18 to 30, is first in a series being published to set directions for redesigning and replacing the current disability benefit programs administered by the Social Security Administration (SSA), namely:

The Social Security Disability Insurance (SSDI) program and related Title II benefits of the Social Security Act, and,

The Supplemental Security Income (SSI) program and related provisions in Title XVI and Title XIX (Medicaid) of the Social Security Act.

Taken together, forthcoming papers will integrate and comment on directions for pre-entitlement reform, that is, for working and non working Americans living with disability who are not on Social Security disability benefits, and post-entitlement reform, for those individuals

and families who access benefits based on disability from Title II, Title XVI, and Title XIX of the Social Security Act.<sup>1</sup>

## **SSA DISABILITY PROGRAMS: POST ENTITLEMENT REFORM DIRECTIONS**

### **Policy Option One**

Test Replacing the SSI Program with the career building ACCESS program for youth 18 to 30, with SSA as a required partner. Execute and evaluate an ACCESS program pilot project: **ACCESS, Adult Coaching, Counseling, and Employment Support Services**

### **Hypothesis**

If earnings thresholds are raised, fear of losing eligibility to cash benefits and healthcare are addressed, and job supports are available, the rate of unemployment and under-employment of the pilot group, youth with disabilities between the ages of 18 and 30, will be significantly lower than current rates, and the rates of those who fit the program profile who choose to remain in the SSI program.

A successful pilot project test period would show how to restructure existing, silo-ed, federal disability programs.<sup>2</sup>

### **The Application Rules for the ACCESS Pilot Project for 18 to 28 Year Olds**

The ACCESS program uses the current SSI medical rules for eligibility and enrollment into the program. The current SSA procedures seeking evidence that medical conditions of the applicant meet or equal a set of symptomatic, evidence based criteria related to their physical or mental health condition would be deployed in the ACCESS program.<sup>3</sup>

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<sup>1</sup> In 1974, the federal government established the Supplemental Security Income (SSI) program to provide cash assistance to people who are disabled, aged, or both and who have low income and few assets. SSI replaced several state-run support programs that had been partially financed by the federal government. In fiscal year 2013, the program will make payments to more than 8 million people at a cost to the federal government of about \$53 billion, the Congressional Budget Office (CBO) estimates. Currently, about 60 percent of SSI recipients are disabled adults (ages 18 to 64), about 15 percent are disabled children (under age 18), and about 25 percent are aged adults (age 65 or over) with or without disabilities. Congressional Budget Office (CBO), December 2012.

In 2011, SSA's Social Security Disability Insurance program paid benefits to 9,803,581 insured Americans, 8,575,544 were insured workers, 251,011 were widows or widowers of insured workers, and 977,026 were childhood disability beneficiaries of insured workers. SSA Annual Statistical Report on the Social Security Disability Insurance Program, 2011, released July 2012.

<sup>2</sup> Congress would authorize, find, and realign funding for the ACCESS pilot project. Federal partners needed to implement the pilot project include the Centers for Medicare and Medicaid Services (CMS), the Department of Education, the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Social Security Administration (SSA).

<sup>3</sup> By way of illustration, the current medical rules and procedures used to award enrollment in a state Medicaid Buy-In (MBI) for workers with a disability could be adapted or improved on, and applied to ACCESS program applicants.

The ACCESS program is a means tested program with initial eligibility restrictions on annual earnings, assets, and resources.<sup>4</sup>

In a 12 year test period, youth who turn 18 and are on SSI at the time, youth 18 to 28 and not on SSI, and SSI recipients up to age 28, could apply for the ACCESS program. The applicant must show recent evidence of severe impairment(s) that meet or equal the SSA Listing of Impairments, also called the Blue Book.<sup>5</sup> Residual Functioning Capacity (RFC) assessments, as in current rules, will help to assess whether the applicant meets or equals the Listing of Impairments. However, analysis on improving functional assessment, and separating assessment of function from employability, as part of the ACCESS pilot eligibility process, is part of program design.<sup>6</sup>

In 2010, about 1.2 million youth below age 18 were receiving SSI benefits, 15.7% of all SSI recipients. About 4.6 million recipients were between the ages of 18 and 64 in 2010, 58.5% of all SSI recipients.<sup>7</sup>

### Earnings

Social Security's disability programs have a standard way of defining work. The term Substantial Gainful Activity (SGA) is used to describe a level of work activity or earnings. In 2013, if the applicant has gross earnings over \$1,040 per month (or \$1,740 if blind), Social Security considers these earnings Substantial Gainful Activity. In an application for SSI, SSA states the person does not have a disability if there are earnings above SGA in the month of application.

The ACCESS program does not use or apply SSA Substantial Gainful Activity (SGA) rules to become eligible for it, between the ages of 18 and 28.<sup>8 9</sup> The ACCESS program does have

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<sup>4</sup> SSI defines the terms assets and resources differently. In the SSI program not all "assets" are countable (or excluded) "resources." Resources are generally assets that are either liquid, or that can be converted to cash to purchase food and shelter. For instance, your home may be an asset, but is considered an excluded resource for SSI purposes. Or you may have an ownership interest in a house that you don't live in, but own with your 3 brothers. That is considered an asset, but is not a resource to you because you can't liquidate it to get cash to buy food and shelter, so it becomes a non-countable resource.

<sup>5</sup> The SSA Listing of Impairments is at: <http://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>.

<sup>6</sup> Current SSI law issue area: In current law, the youth who turns 18 who is on SSI, and the 18 year old, or older not on SSI with a comparable disability and *applying* for SSI, is treated with different sets of SSI eligibility rules. ACCESS seeks to reconcile this policy puzzle. The youth who turns 18 years of age and is already on SSI, and undergoes the SSI Age 18 Medical Redetermination process, may be continued and allowed ongoing SSI eligibility largely based on whether the youth's impairments meet or equal the medical rules related to the SSA Listing of Impairments. The 18 year old and above, who is not on SSI now and applying for SSI, must *first* show whether he or she is earning wages under Substantial Gainful Activity (SGA) amounts, \$1040 gross earnings per month for non blind applicants for 2013, and \$1,740 gross earnings per month in 2013 for applicants who meet the medical rules for blindness. SGA dollar amounts are adjusted every January with a process called *indexing*.

<sup>7</sup> SSI Annual Statistical Report, 2010, page 21, Social Security Administration, 2011.

<sup>8</sup> For the current SSA process for SSI Disability Redeterminations at age 18, see; <https://secure.ssa.gov/apps10/poms.nsf/lrx/0411070030>.

annual earnings restrictions. The annual limit on earnings when applying for the program will be the same as the annual earned income thresholds or limits in the SSI Sections 1619(a) and (b) rules.

We view 28 as the cutoff age to apply for ACCESS, so there is at least a two year window to take advantage of its services before reaching age 30.

In the SSI 1619(a) and (b) rules each state has its own annual earnings threshold or upper limit for those who are already on SSI.

**1619(a)**

Rules that allow SSI recipients to keep their SSI benefit at a lower level when they return to work.

**1619(b)**

A rule that allows people on SSI to keep Medicaid coverage when their combined monthly income is too high to get any SSI cash benefit. In Arizona for example, SSI recipients can keep their Medicaid services and SSI eligibility while earning up to \$36,921/year.<sup>10</sup>

Issue area: SGA is Social Security's *monthly* test of gross earnings. The pilot project will implement a standard 1619-like *annual* earned income threshold for applicants.

**Assets and Resources**

Current SSI rules on assets and resources will apply for initial eligibility. Resources are limited to \$2,000 in available cash for individuals and \$3,000 for a couple applying for the program. The applicants' house they live in and the car they drive are exempt resources.

**Note: Current SSI Age 18 Redetermination Trends**

At age 18, an SSI youth undergoes an Age 18 Medical Redetermination process for continued SSI eligibility based on Social Security medical rules used for adults. A percentage of SSI youth who undergo the SSI "redetermination" process are ceased SSI benefit eligibility during the

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<sup>9</sup> DI 22001.035 The Five Steps in Sequential Evaluation that SSA now uses to determine SSI eligibility - Chart at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0422001035>. The chart summarizes the steps described for determining disability in initial claims and reconsiderations and reopenings of initial claims for Title II (SSDI) workers, childhood disability applicants, or disabled widow(er)s and surviving divorced spouses disability for monthly benefits, and Title XVI (SSI) applicants age 18 or older. As the baseline, ACCESS program application Steps would focus on Step 2 and Step 3 of the current SSA Sequential Evaluation Process.

<sup>10</sup> Understanding Supplemental Security Income SSI Spotlight on Continued Medicaid Eligibility for People Who Work: Section 1619(b) -- 2013 Edition; <http://www.socialsecurity.gov/ssi/spotlights/spot-medicaid.htm>, Social Security Administration.

redetermination process; many who are ceased eligibility for benefits come back onto SSI during the years proposed for the ACCESS pilot project.

## ACCESS Program Enrollees

### Earned Income

The ACCESS program enrollee keeps all of the monthly benefit check after work begins up to new, annual earnings limits.

Once the applicant is found eligible for ACCESS, all of the federal benefit monthly check (called a Federal Benefit Rate, or FBR) would be available to the ACCESS program enrollee each month until age 30, up to new, annual earnings limits. The ACCESS program monthly cash check, called a stipend, helps pay for the costs of disability (Fremstad 2009), and becomes part of the resources available in the enrollee's Plan, as outlined below.<sup>11</sup>

Issue area: the annual earnings limit after enrollment. Cost of living and the costs for Medicaid vary geographically, policy that federal SSI 1619 rules recognize. The ACCESS pilot lists design options for the earnings limit for stakeholders to consider:

#### Options

1. **Preferred Option to Date:** Current SSI 1619 annual earnings threshold limit for each test state. **Note:** the 1619 earnings limit rules now have a provision for SSI recipients to apply for an Individual Earnings Threshold above the SSI earnings limit for the state the person lives in.
2. Medicaid Buy-In earnings limit in the test state.
3. Living Wage projections for test states.<sup>12</sup>
4. Other.

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<sup>11</sup> A core rationale for retention of the SSI federal benefit rate stipend is the known, high cost of managing disability. For this reason, and for simpler, easier to understand and administer rules, the current rules for SSI Impairment Related Work Expenses, Blind Work Expenses, and Plan for Achieving Self-Support would not be needed, or apply until after the enrollee's earnings exceed the ACCESS program's earnings limit. This is similar to current 1619(b) rules when SSI recipients exceed 1619 annual earnings thresholds.

<sup>12</sup> General information from Wikipedia: [http://en.wikipedia.org/wiki/Living\\_wage](http://en.wikipedia.org/wiki/Living_wage) - "Living wage is defined by the wage that can meet the basic needs to maintain a safe, decent standard of living within the community and have the ability to save for future needs and goals.<sup>[1]</sup> The particular amount that must be earned per hour to meet these needs varies depending on location and family circumstances. Currently the minimum wage across the US is \$7.25, which in most areas is well below living wage due to high [rent](#) or [house prices](#) in cities and [automobile dependent](#) arrangements of grocery stores, jobs, housing, and services in suburbs and outlying areas, causing combined housing and transportation cost to be high both in the city and in the outlying areas. In 1990 the first living wage campaigns were launched by community initiatives in the US addressing increasing poverty faced by workers and their families. They argued that employee, employer, and the community win with a living wage. Employees would be more willing to work, helping the employer reduce worker turnover ratio and it would help the community when the citizens have enough to have a decent life.<sup>[2]</sup> [Poverty threshold](#) is the income necessary for a household to be able to consume a low cost, nutritious diet and purchase non-food necessities in a given country. Poverty lines and living wages are measured differently. Poverty lines are measured by [household units](#) and living wage is based on individual workers. A related concept is that of a [family wage](#) – one sufficient to not only support oneself, but also to raise a family."

### **Assets and Resources**

There are no asset or resource caps or limits once enrolled in the ACCESS program.<sup>13</sup> These resources are available for the required career planning in the program. Savings, assets and resources acquired in the ACCESS pilot project are held and protected resources after the program ends.

**Discussion:** The ACCESS enrollee must have an Individual's Career Plan (ICP); earnings, assets and resources acquired in the program can go into and be part of the Individual's Career Plan. Assets and resources acquired in the program support the routine ups and down of career building, such as being laid off, retrained, etc. As noted below, a "cash and counseling" approach similar to models used in Medicaid applies to the pilot design.

#### **Resource considerations once enrolled in ACCESS:<sup>14</sup>**

- Individuals can save earnings in a separately identifiable account with no limit. The savings in this separate bank account will not count against the resource limits of \$2000 for an individual and \$3000 for a couple if the individual transfers to other aged, blind or disabled Medicaid or SSI programs.
- Earnings and other income deposited into an IRS-approved retirement account will not count towards the program's resource limits. Savings in these retirement accounts will continue to be exempt if the individual transfers to other aged, blind or disabled Medicaid or SSI programs.
- Resources gained in the ACCESS program remain exempt at age 30, in a continued version of the ACCESS program, with a return to the SSI program, and when applying for other means tested programs.

### **ACCESS Services**

The key ACCESS program design is that it is an attractive program to get into. Without major, secondary program eligibility rules or procedures, the ACCESS program provides the enrollee time and services to further plan for education, independent living and employment.

Attractiveness of the program raises the inevitable "woodwork effect" and induced entry concerns, in other words, new individuals will want to enroll in ACCESS and receive government services that they do not receive today. The authors want induced entry effects to take place in the ACCESS pilot project. We want youth and families to think it is in their self-interest to apply for ACCESS services.

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<sup>13</sup> Current SSI resource limits: \$2,000 in liquid cash assets, and current exemptions of the home you live in and the car you drive. SSA uses the term "resources" to refer to liquid and non liquid assets.

<sup>14</sup> These three resource rules are adapted from current provisions in the California Medi-Cal Working Disabled Program.

Pilot objectives include realigned, predictable and seamless sets of services not available today. We recognize the woodwork effect as a primary design issue; experienced researchers are discussing this design issue with the authors. The pilot project in a fixed number of states can limit enrollment in the ACCESS services in ways that control for the woodwork effect, for example, limiting enrollment to existing SSI recipients as of a certain, fixed date. At this writing, we are refining best approaches to address woodwork effects.

Each enrollee must develop the Individual's Career Plan (ICP), with available assistance from an SSA approved list of agencies and organizations. ACCESS has compliance rules with regular reviews for continued eligibility and enrollment.

ACCESS is a one-door-in program providing individual coaching and counseling, family benefits and financial planning, vocational rehabilitation (VR) and job placement services,<sup>15</sup> supported employment, to include counseling and access to seamless, appropriate, affordable health coverage and community supports.

To remain eligible, the ACCESS program enrollee builds and works on a career plan to self-manage and modify for up to 12 years, with case coordination and coaching help available, when needed and requested, from an assigned counselor for the individual, and the family, as appropriate.

Training, education, and paid work are included as viable and required activities in the ACCESS program, per the design of the ICP.

#### **The Individual's Career Plan (ICP)**

The ICP has the goal of maximizing an individual's productivity potential. The enrollee designs, works on, changes and agrees to comply with their Individual's Plan until their 30th birthday, and earlier if they choose to leave ACCESS before age 30 because they no longer need its services. Plan activities and outcomes would include and are not limited to:

- being employed
- attending school
- attending training programs
- internships
- volunteering
- attending rehabilitation programs
- attending day programs
- pursuing personal enrichment goals
- understanding what supports and accommodations are available

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<sup>15</sup> As appropriate to youth with learning disabilities, intellectual/developmental disabilities and those with complex medical issues.

The enrollee chooses to select help with the Plan from an SSA approved list of service agencies. The ICP must be agreed to by the ACCESS enrollee and an SSA approved agency within 60 to 90 days after ACCESS program eligibility is determined. Life Coach, Counselor and funded services for the ICP are available as requested by the enrollee to develop and implement the Plan. Approved sources for services and help with the Plan will include the state's vocational rehabilitation department, scholastic and vocational services funded by IDEA, supported employment programs, county mental health employment services, etc.

Life Coaching services would be provided by the ACCESS program itself. Life Coaching services are seen as providing the youth with information and navigating guidance on an array of available services and procedures, and the methods for obtaining them. For example, a Life Coach would include providing traditional benefits, health coverage, and work planning services similar to counseling that SSA has funded.<sup>16</sup> In effect, these services set up a form of “cash and counseling” services in the ACCESS program. The New York Employment Services System characterizes the quality of these types of services as “just in time counseling.”<sup>17</sup>

Advocacy and more paralegal, trouble shooting services would also be available via programs similar to the recently closed SSA Protection and Advocacy for Beneficiaries of Social Security.

The ACCESS program funds, and provides Life Coaching services during the pilot project, and makes them available after enrollment in the program. The same would be the case for the advocacy and paralegal trouble shooting services, as these services have been warranted due to the complexity of current benefit systems.

The Individual's Career Plan must be reviewed, updated, agreed on, and approved annually by the enrollee and one of the SSA approved agencies. Individuals who fail to comply or choose not to comply with their Plan will be subject to penalty procedures, including termination from

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<sup>16</sup> Work Incentives Planning and Assistance (WIPA) grants that SSA funded until 2012 to provide local, one on one counseling services by trained staff.

<sup>17</sup> <http://www.nyess.ny.gov/> : “Operating under a whole-person philosophy, New York State (NYS) has successfully brought together its employment services systems to create a single approach to linking and coordinating employment supports, using the Medicaid Infrastructure Grant as the catalyst. NYS has seized upon this opportunity, focusing a large component of Medicaid Infrastructure Grant dollars on efforts to merge the segregated disability-related employment systems into the mainstream resource that most people in NYS (and elsewhere) turn to for assistance in finding job opportunities and supports – the Department of Labor. This comprehensive employment system called the New York Employment Services System (NYESS) provides all New Yorkers – regardless of their (dis)ability – with a single point to access all employment-related services and supports, including job matching with the approximately 90,000 jobs currently posted by employers in the NYS Job Bank.”

the program. Terminated enrollees may reapply to ACCESS by submitting a new ICP under certain conditions.<sup>18</sup>

As noted, Life Coaching services provide information on a broad range of employment support services. ACCESS enrollees can leave the formal program at any age when they decide they no longer need direct ACCESS services.

### **ACCESS Program Youth Reaches Age 30**

Enrollees, who are complying with their ICP on their 30th birthday when the program ends for them, or if they leave the program earlier because they no longer need services, should move on “without harm” -- able to retain assets and resources, access Medicaid, personal assistance services (PAS), supported employment, and other dedicated, potentially high cost supports.

The ACCESS cash stipend ends at age 30 in the pilot project design. Paid work in the ACCESS program never triggers policy that harms enrollees later on down the road.

Even when earnings exceed 1619 annual threshold amounts at age 30, the high cost needs of various impairments warrant that there be continued eligibility for non-cash benefit services such as Medicaid, PAS, supported employment, etc.

Considering interoperability with recent designs from the White House and SSA’s Work Incentives Simplification Project (WISP) for the SSDI populations, could an ACCESS enrollee, in compliance with their ICP, move indefinitely into a second program at age 30 as long as there is evidence that the medical impairment continues?<sup>19</sup>

### **Discussion**

*After 8 years of evaluating a successful ACCESS pilot project, would Congress change/modify the SSI program and adapt successful ACCESS features into the existing SSI program?*

- Some enrollees would work themselves off the ACCESS Program by age 30.

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<sup>18</sup> Discussion -- the SSA **Ticket to Work Program (TTW)**: ACCESS program enrollees may not be eligible for the SSA Ticket to Work Program, unless demonstration design rules allow ACCESS program individuals to negotiate for services in the Ticket to Work Program, and pay for them in part or whole with their ACCESS stipend, earnings and saved resources. The ACCESS program enrollee is receiving a full federal benefit check. Under current TTW rules, reduced SSI checks because of paid work in the Ticket Program are the funds used to pay TTW Employment Networks, when SSI recipients earn specific amounts of money per month. Were the ACCESS program to interact with the Ticket Program, it could increase and enhance the marketplace-driven aspects first designed into TTW. The ICP would still be self-managed by the ACCESS program enrollee; an Employment Network could be an SSA approved agency developing a Plan.

<sup>19</sup> The Work Incentives Simplification Project (WISP), reform to SSDI post entitlement work rules, has been in discussion and design phases at SSA and the White House Office of Management and Budget (OMB) since 2008.

- Affordable Care Act (ACA) implementation, in conjunction with better ACCESS career outcomes, could be elements that support and continue success when the ACCESS pilot project ends, or is used to transform SSI, or both.
- Some enrollees could be eligible for the existing SSI program when they reach 30 and may apply for it under its current rules.
- Some will need ongoing access to traditional Medicaid and PAS, some will need supported employment services, and some will benefit from episodic employment support services.
- Some, before and/or by age 30, when earnings fall below current, monthly SGA rules, could become SSDI eligible from their improving work history in the ACCESS program.
- The ACCESS program full federal benefit rate cash stipend that ends at age 30 will be available after 30 as a standard tax deduction for those working.
- Consider ACCESS program interaction with the IRS Earned Income Tax Credit (EITC).

#### Pilot Project Test Sites and Design Research

- All SSI recipients in the test states who turn 18 apply for that state's ACCESS program as the default. The SSI program remains available to apply for by an active choice.
- Pilot project rules reduce administrative costs, by designing them to be as straightforward and uncomplicated as possible, and by using electronic reporting, internet based technologies, and moving away from impossible to manage month to month reporting procedures.
- Test the ACCESS program in at least three states; one urban, one urban rural, one rural; use three other states as control groups. Other state selection criteria could include states with very different SSI recipient earned income data, as examples, California and Minnesota.
- Conduct a cost/benefits analysis that includes actuarial projections across federal agencies. If ACCESS spends SSA dollars, will CMS and Medicaid save money when ACCESS enrollees have improving career paths?
- Recent demonstrations and research can assist with the ACCESS program design: SSA SPI projects, Medicaid Buy-In research, SSI PROMISE literature, etc.<sup>20</sup>
- What practice in current SSI law can be adapted, included, or considered designing the pilot project?
  - Example: Current Section 301 protections for those on SSI now who are under the age of 18?<sup>21</sup>

<sup>20</sup> <http://www.ssa.gov/policy/docs/ssb/v69n4/v69n4p1.html> - The Age-18 Redetermination and Postredetermination Participation in SSI, a thorough and recent analysis of these procedures, by Jeffrey Hemmeter and Elaine Gilby, Social Security Bulletin, Vol. 69 No. 4, 2009.

### **Pilot Project Resources, Partners and Congressional Authority**

- Realign resources from agencies doing this work in silos to pay for the pilot project. Congress could extend a 12 year pilot project after scrutiny of its progress reports. Congress can authorize a multi agency pilot project such as ACCESS, via multiple Committees of jurisdiction, and require multiagency participation in its implementation.<sup>22</sup>

### **Evaluation**

- Submit evaluation reports every three years for Congressional scrutiny starting after test states begin the ACCESS program implementation.
- Evaluation teams include significant numbers of qualified researchers with long term disabling conditions.
- Evaluation methodology will test the ACCESS program federal treatments and rules that are new and different from current SSI rules. State flexibility in designing their test program has a bearing on how the pilot project is evaluated for Congressional scrutiny. ACCESS is testing a new set of federal policies, in contrast to testing how state governments could administer independently separate sets of policies for Social Security disability benefits.

Forthcoming papers in the series will include a design process for a new SSDI framework that can integrate with the ACCESS program design. A successful ACCESS pilot project period could replace or change SSI over time. SSI and ACCESS are means tested programs at their core. SSDI is monthly, FICA-taxed paid social insurance, culturally and in reality, an earned benefit funded by a dedicated tax from employers, employees, and the self-employed.

### **Reform Design Caution**

WID and NCIL caution against employment-focused disability program reform that does not account for the long-term interoperability between the SSI and SSDI programs. Reforms that do not account for these FICA tax-based, employment-based program interactions, affecting the same disability beneficiary, could repeat and replace the program complexities and mistakes we have in place today, with a new set of complex programs that do not meet stated objectives.

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<sup>21</sup> In current SSA law, a disability beneficiary can be ceased eligibility for SSA disability programs due to medical improvement, including SSI recipients who are under the age of 18. If an SSI youth reaches age 18 in an ACCESS test pilot state, and is already enrolled in an SSA approved vocational plan or program, and found medically ineligible for SSI at age 18, the SSI benefits and eligibility continue under "Section 301 protections" until the vocational plan or program is completed, and formally ends.

<sup>22</sup> As noted in the beginning of the paper, Congress would authorize, find, and realign funding for the ACCESS pilot project. Federal partners needed to implement the pilot project include the Centers for Medicare and Medicaid Services (CMS), the Department of Education, the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Social Security Administration (SSA).

## SSA DISABILITY PROGRAMS: PRE-ENTITLEMENT REFORM DIRECTIONS

Topical areas for forthcoming papers.

### POSITION PAPER CONTRIBUTORS

WID and NCIL are partnering to develop this series of papers.

#### WORLD INSTITUTE on DISABILITY (WID)

The mission of the World Institute on Disability (WID) in communities and nations worldwide is to eliminate barriers to full social integration and increase employment, economic security and health care for persons with disabilities. WID creates innovative programs and tools; conducts research, training, public education and advocacy campaigns; and provides technical assistance.

An internationally recognized public policy center founded in 1983 by leaders of the Independent Living Movement, WID's program work focuses on issues and problems that directly affect people's ability to live full and independent lives. A majority of the Board and staff are persons with disabilities.

#### National Council on Independent Living (NCIL)

An outcome of the national Disability Rights and Independent Living Movements, NCIL was founded to embody the values of disability culture and Independent Living philosophy, which creates a new social paradigm and emphasizes that people with disabilities are the best experts on their own needs, that they have crucial and valuable perspective to contribute to society, and are deserving of equal opportunity to decide how to live, work, and take part in their communities.

**Mission:** As a membership organization, NCIL advances independent living and the rights of people with disabilities through consumer-driven advocacy.

**Vision:** NCIL envisions a world in which people with disabilities are valued equally and participate fully.

The National Council on Independent Living is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), individuals with disabilities; and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

### NEXT STEPS

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**ASSEMBLY BILL**

**No. 1041**

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**Introduced by Assembly Member Chesbro  
(Principal coauthor: Assembly Member Garcia)  
(Principal coauthor: Senator Beall)  
(Coauthor: Assembly Member Ammiano)**

February 22, 2013

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An act to amend Sections 4646.5 and 4868 of, and to add Section 4869 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1041, as introduced, Chesbro. Developmental services: Employment First Policy.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements.

Existing law requires the State Council on Developmental Disabilities to, among other responsibilities, form a standing Employment First Committee to identify strategies and recommend legislative, regulatory, and policy changes to increase integrated employment, as defined, self-employment, and microenterprises for persons with developmental disabilities, as specified.

This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program

plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would also require regional centers to ensure that consumers, beginning at 16 years of age, and, where appropriate, other specified persons, are provided with information about the Employment First Policy, about options for integrated competitive employment, and about services and supports, including postsecondary education, available to enable the consumer to transition from school to work, and to achieve the outcomes of obtaining and maintaining integrated competitive employment. The bill would authorize the department to request information from regional centers on current and planned activities related to the Employment First Policy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4646.5 of the Welfare and Institutions  
2 Code is amended to read:  
3 4646.5. (a) The planning process for the individual program  
4 plan described in Section 4646 shall include all of the following:  
5 (1) Gathering information and conducting assessments to  
6 determine the life goals, capabilities and strengths, preferences,  
7 barriers, and concerns or problems of the person with  
8 developmental disabilities. For children with developmental  
9 disabilities, this process should include a review of the strengths,  
10 preferences, and needs of the child and the family unit as a whole.  
11 Assessments shall be conducted by qualified individuals and  
12 performed in natural environments whenever possible. Information  
13 shall be taken from the consumer, his or her parents and other  
14 family members, his or her friends, advocates, authorized  
15 representative, if applicable, providers of services and supports,  
16 and other agencies. The assessment process shall reflect awareness  
17 of, and sensitivity to, the lifestyle and cultural background of the  
18 consumer and the family.  
19 (2) A statement of goals, based on the needs, preferences, and  
20 life choices of the individual with developmental disabilities, and  
21 a statement of specific, time-limited objectives for implementing  
22 the person's goals and addressing his or her needs. These objectives  
23 shall be stated in terms that allow measurement of progress or

1 monitoring of service delivery. These goals and objectives should  
2 maximize opportunities for the consumer to develop relationships,  
3 be part of community life in the areas of community participation,  
4 housing, work, school, and leisure, increase control over his or her  
5 life, acquire increasingly positive roles in community life, and  
6 develop competencies to help accomplish these goals.

7 (3) When developing individual program plans for children,  
8 regional centers shall be guided by the principles, process, and  
9 services and support parameters set forth in Section 4685.

10 (4) *When developing an individual program plan for a transition*  
11 *age youth or working age adult, the planning team shall consider*  
12 *the Employment First Policy described in Chapter 14 (commencing*  
13 *with Section 4868).*

14 ~~(4)~~

15 (5) A schedule of the type and amount of services and supports  
16 to be purchased by the regional center or obtained from generic  
17 agencies or other resources in order to achieve the individual  
18 program plan goals and objectives, and identification of the  
19 provider or providers of service responsible for attaining each  
20 objective, including, but not limited to, vendors, contracted  
21 providers, generic service agencies, and natural supports. The  
22 individual program plan shall specify the approximate scheduled  
23 start date for services and supports and shall contain timelines for  
24 actions necessary to begin services and supports, including generic  
25 services.

26 ~~(5)~~

27 (6) When agreed to by the consumer, the parents, legally  
28 appointed guardian, or authorized representative of a minor  
29 consumer, or the legally appointed conservator of an adult  
30 consumer or the authorized representative, including those  
31 appointed pursuant to subdivision (d) of Section 4548, subdivision  
32 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review  
33 of the general health status of the adult or child, including medical,  
34 dental, and mental health needs, shall be conducted. This review  
35 shall include a discussion of current medications, any observed  
36 side effects, and the date of *the* last review of the medication.  
37 Service providers shall cooperate with the planning team to provide  
38 any information necessary to complete the health status review. If  
39 any concerns are noted during the review, referrals shall be made  
40 to regional center clinicians or to the consumer's physician, as

1 appropriate. Documentation of health status and referrals shall be  
 2 made in the consumer's record by the service coordinator.

3 ~~(6)~~

4 (7) (A) The development of a transportation access plan for a  
 5 consumer when all of the following conditions are met:

6 (i) The regional center is purchasing private, specialized  
 7 transportation services or services from a residential, day, or other  
 8 provider, excluding vouchered service providers, to transport the  
 9 consumer to and from day or work services.

10 (ii) The planning team has determined that a consumer's  
 11 community integration and participation could be safe and  
 12 enhanced through the use of public transportation services.

13 (iii) The planning team has determined that generic  
 14 transportation services are available and accessible.

15 (B) To maximize independence and community integration and  
 16 participation, the transportation access plan shall identify the  
 17 services and supports necessary to assist the consumer in accessing  
 18 public transportation and shall comply with Section 4648.35. These  
 19 services and supports may include, but are not limited to, mobility  
 20 training services and the use of transportation aides. Regional  
 21 centers are encouraged to coordinate with local public  
 22 transportation agencies.

23 ~~(7)~~

24 (8) A schedule of regular periodic review and reevaluation to  
 25 ascertain that planned services have been provided, that objectives  
 26 have been fulfilled within the times specified, and that consumers  
 27 and families are satisfied with the individual program plan and its  
 28 implementation.

29 (b) For all active cases, individual program plans shall be  
 30 reviewed and modified by the planning team, through the process  
 31 described in Section 4646, as necessary, in response to the person's  
 32 achievement or changing needs, and no less often than once every  
 33 three years. If the consumer or, where appropriate, the consumer's  
 34 parents, legal guardian, authorized representative, or conservator  
 35 requests an individual program plan review, the individual program  
 36 shall be reviewed within 30 days after the request is submitted.

37 (c) (1) The department, with the participation of representatives  
 38 of a statewide consumer organization, the Association of Regional  
 39 Center Agencies, an organized labor organization representing  
 40 service coordination staff, and the Organization of Area Boards

1 shall prepare training material and a standard format and  
2 instructions for the preparation of individual program plans, which  
3 embodies *embody* an approach centered on the person and family.

4 (2) Each regional center shall use the training materials and  
5 format prepared by the department pursuant to paragraph (1).

6 (3) The department shall biennially review a random sample of  
7 individual program plans at each regional center to ensure that  
8 these plans are being developed and modified in compliance with  
9 Section 4646 and this section.

10 SEC. 2. Section 4868 of the Welfare and Institutions Code is  
11 amended to read:

12 4868. (a) The State Council on Developmental Disabilities  
13 shall form a standing Employment First Committee consisting of  
14 the following members:

15 (1) One designee of each of the members of the state council  
16 specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph  
17 (2) of subdivision (b) of Section 4521.

18 (2) A member of the consumer advisory committee of the state  
19 council.

20 (b) In carrying out the requirements of this section, the  
21 committee shall meet and consult, as appropriate, with other state  
22 and local agencies and organizations, including, but not limited  
23 to, the Employment Development Department, the Association of  
24 Regional Center Agencies, one or more supported employment  
25 provider organizations, an organized labor organization  
26 representing service coordination staff, and one or more consumer  
27 family member organizations.

28 (c) The responsibilities of the committee shall include, but need  
29 not be limited to, all of the following:

30 (1) Identifying the respective roles and responsibilities of state  
31 and local agencies in enhancing integrated and gainful employment  
32 opportunities for people with developmental disabilities.

33 (2) Identifying strategies, best practices, and incentives for  
34 increasing integrated employment and gainful employment  
35 opportunities for people with developmental disabilities, including,  
36 but not limited to, ways to improve the transition planning process  
37 for students 14 years of age or older, and to develop partnerships  
38 with, and increase participation by, public and private employers  
39 and job developers.

1 (3) Identifying existing sources of employment data and  
2 recommending goals for, and approaches to measuring progress  
3 in, increasing integrated employment and gainful employment of  
4 people with developmental disabilities.

5 (4) Recommending legislative, regulatory, and policy changes  
6 for increasing the number of individuals with developmental  
7 disabilities in integrated employment, self-employment, and  
8 microenterprises, and who earn wages at or above minimum wage,  
9 including, but not limited to, recommendations for improving  
10 transition planning and services for students with developmental  
11 disabilities who are 14 years of age or older. This shall include,  
12 but shall not be limited to, the development of ~~an Employment~~  
13 ~~First Policy~~, a policy with the intended outcome of ~~which is a~~  
14 ~~significant increase in~~ significantly increasing the number of  
15 individuals with developmental disabilities who engage in  
16 integrated employment, self-employment, and microenterprises,  
17 and in the number of individuals who earn wages at or above  
18 minimum wage. This proposed policy shall be in furtherance of  
19 the intent of this division that services and supports be available  
20 to enable persons with developmental disabilities to approximate  
21 the pattern of everyday living available to people without  
22 disabilities of the same age and that support their integration into  
23 the mainstream life of the community, and that those services and  
24 supports result in more independent, productive, and normal lives  
25 for the persons served. The proposed ~~Employment First Policy~~  
26 ~~policy~~ shall not limit service and support options otherwise  
27 available to consumers, or the rights of consumers, or, where  
28 appropriate, parents, legal guardians, or conservators to make  
29 choices in their own lives.

30 (d) For purposes of this chapter, the following definitions shall  
31 apply:

32 (1) "Competitive employment" means work in the competitive  
33 labor market that is performed on a full-time or part-time basis  
34 in an integrated setting and for which an individual is compensated  
35 at or above the minimum wage, but not less than the customary  
36 wage and level of benefits paid by the employer for the same or  
37 similar work performed by individuals who are not disabled.

38 ~~(d) For purposes of this chapter, "integrated~~

1 (2) *"Integrated employment"* ~~shall have the same definition as~~  
2 means "integrated work" as defined in subdivision (o) of Section  
3 4851.

4 (3) *"Microenterprises"* means small businesses owned by  
5 individuals with developmental disabilities who have control and  
6 responsibility for decisionmaking and overseeing the business,  
7 with accompanying business licenses, taxpayer identification  
8 numbers other than social security numbers, and separate business  
9 bank accounts. Microenterprises may be considered integrated  
10 competitive employment.

11 (4) *"Self-employment"* means an employment setting in which  
12 an individual works in a chosen occupation, for profit or fee, in  
13 his or her own small business, with control and responsibility for  
14 decisions affecting the conduct of the business.

15 (e) The committee, by July 1, 2011, and annually thereafter,  
16 shall provide a report to the appropriate policy committees of the  
17 Legislature and to the Governor describing its work and  
18 recommendations. The report due by July 1, 2011, shall include  
19 the proposed ~~Employment First Policy~~ policy described in  
20 paragraph (4) of subdivision (c).

21 SEC. 3. Section 4869 is added to the Welfare and Institutions  
22 Code, to read:

23 4869. (a) (1) In furtherance of the intent of this division to  
24 make services and supports available to enable persons with  
25 developmental disabilities to approximate the pattern of everyday  
26 living available to people without disabilities of the same age, to  
27 support the integration of persons with developmental disabilities  
28 into the mainstream life of the community, and to bring about more  
29 independent, productive, and normal lives for the persons served,  
30 it is the policy of the state that opportunities for integrated,  
31 competitive employment shall be given the highest priority for  
32 working age individuals with development disabilities, regardless  
33 of the severity of their disabilities. This policy shall be known as  
34 the Employment First Policy.

35 (2) Implementation of the policy shall be consistent with, and  
36 shall not infringe upon, the rights established pursuant to this  
37 division, including the right of people with developmental  
38 disabilities to make informed choices with respect to services and  
39 supports through the individual program planning process.

1 (3) Integrated competitive employment is intended to be the  
2 first option considered by planning teams for working age  
3 individuals, but individuals may choose goals other than integrated  
4 competitive employment.

5 (4) This chapter shall not be construed to expand the existing  
6 entitlement to services for persons with developmental disabilities  
7 described in this division.

8 (5) This chapter shall not alleviate schools of their responsibility  
9 to provide transition services to individuals with developmental  
10 disabilities.

11 (b) Regional centers shall ensure that consumers, beginning at  
12 16 years of age, and, where appropriate, their parents, legal  
13 guardians, or conservators, are provided with information, in a  
14 language that the consumer and, as appropriate, the consumer's  
15 representative understand, about the Employment First Policy,  
16 about options for integrated competitive employment, and about  
17 services and supports, including postsecondary education, available  
18 to enable the consumer to transition from school to work, and to  
19 achieve the outcomes of obtaining and maintaining integrated  
20 competitive employment.

21 (c) The department may request information from regional  
22 centers on current and planned activities related to the Employment  
23 First Policy.

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 577

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Introduced by Senator Pavley

February 22, 2013

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An act to amend Sections 4850, 4851, 4854, and 4860 of, to add Section 4868.5 to, and to add and repeal Section 4870 of, the Welfare and Institutions Code, relating to ~~autism~~ *developmental disabilities*.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. ~~Autism—services: and other developmental disabilities:~~ pilot program: employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism. Existing law governs the habilitation services provided for adult consumers of regional ~~services centers~~, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services.

This bill would require ~~the State Department of Developmental Services to establish a pilot program for young adults with autism to help them find pathways to financial independence through work. The bill would require the pilot program to develop and implement a new model for providing employment services to autistic individuals and to create financial incentives for employment service providers, as specified, among other requirements. The bill would require a job exploration and discovery plan, as specified, to be developed if job exploration and discovery services are determined to be a necessary~~

step to achieve a supported employment outcome. The bill would establish an hourly rate for job exploration and discovery services of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan.

*This bill would require the State Department of Developmental Services to establish a pilot program for young adults with autism and other developmental disabilities to help them find pathways to financial independence through work. The bill would require the pilot program to develop and implement a new model for providing employment services to these individuals and to create financial incentives for employment service providers, as specified, among other requirements.*

The bill would also establish, ~~only until January 1, 2019~~ July 1, 2018, a pilot program operative in specified regional ~~catchment areas~~ centers, pursuant to which the State Department of Developmental Services would be authorized to allocate moneys for the support of programs provided by the participating regional ~~catchment areas~~ centers to promote the employment of ~~developmentally disabled~~ persons *with autism and developmental disabilities*. The bill would require the State Department of Developmental Services and the Department of Finance to establish, on or before July 1, 2014, the Employment Growth Fund for these purposes, as specified. The fund would consist of moneys appropriated by the Legislature from cost savings resulting from the reduced amount of support payments made to ~~developmentally disabled~~ persons *with autism and developmental disabilities* who earn wages from gainful employment attained as a result of their participation in the pilot ~~project~~ program, as specified. The bill would impose specified duties on the State Department of Developmental Services relating to the pilot program, including preparing an annual report and designing and implementing an evaluation of the pilot program, as specified.

The bill would also set forth related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

1 (a) *Individuals with developmental disabilities have to struggle*  
2 *to find gainful employment. Unemployment amongst the*  
3 *developmentally disabled population is approximately 80 percent.*

4 (b) *Within the developmentally disabled community, autism is*  
5 *the fastest growing population, making up approximately 50*  
6 *percent of the annual new caseload of regional centers in some*  
7 *parts of the state.*

8 (a)

9 (c) One in three adults with autism do not have paid work  
10 experience or a college or technical education seven years after  
11 leaving the K-12 school system.

12 (b)

13 (d) In order to increase the self-sufficiency of young adults with  
14 autism *and other developmental disabilities*, including increased  
15 earning capacity and reduced government benefit support, it is  
16 important that the state implement a program to provide  
17 individualized skills assessment, social cue training, and specific  
18 support to ensure their academic and employment success.

19 (e)

20 (e) The Governor and the Legislature must address the growing  
21 need for new models of assessment, career training, and expanding  
22 employment opportunities and support options for young adults  
23 with autism *and other developmental disabilities* between 18 and  
24 30 years of age. If this population is left without purposefully  
25 designed pathways into employment, these young adults will  
26 remain at high risk of public dependency throughout the course  
27 of their lives.

28 SEC. 2. Section 4850 of the Welfare and Institutions Code is  
29 amended to read:

30 4850. (a) The Legislature reaffirms its intent that habilitation  
31 services for adults with developmental disabilities should be  
32 planned and provided as a part of a continuum and that habilitation  
33 services should be available to enable persons with developmental  
34 disabilities to approximate the pattern of everyday living available  
35 to nondisabled people of the same age.

36 (b) The Legislature further intends that habilitation services  
37 shall be provided to adults with developmental disabilities as  
38 specified in this chapter in order to guarantee the rights stated in  
39 Section 4502.

1 (c) The Legislature further intends that in order to increase  
2 effectiveness and opportunity to gain meaningful employment  
3 opportunities, habilitation services shall also provide job  
4 exploration and discovery services to enhance and promote jobs  
5 skills, develop social skills necessary for successful employment,  
6 and provide targeted outreach to employers for individuals with  
7 developmental disabilities.

8 SEC. 3. Section 4851 of the Welfare and Institutions Code is  
9 amended to read:

10 4851. The definitions contained in this chapter shall govern  
11 the construction of this chapter, with respect to habilitation services  
12 provided through the regional center, and unless the context  
13 requires otherwise, the following terms shall have the following  
14 meanings:

15 (a) "Habilitation services" means community-based services  
16 purchased or provided for adults with developmental disabilities,  
17 including services provided under the Work Activity Program and  
18 the Supported Employment Program, to prepare and maintain them  
19 at their highest level of vocational functioning, or to prepare them  
20 for referral to vocational rehabilitation services.

21 (b) "Individual program plan" means the overall plan developed  
22 by a regional center pursuant to Section 4646.

23 (c) "Individual habilitation service plan" means the service plan  
24 developed by the habilitation service vendor to meet employment  
25 goals in the individual program plan.

26 (d) "Department" means the State Department of Developmental  
27 Services.

28 (e) "Work activity program" includes, but is not limited to,  
29 sheltered workshops or work activity centers, or community-based  
30 work activity programs certified pursuant to subdivision (f) or  
31 accredited by CARF, the Rehabilitation Accreditation Commission.

32 (f) "Certification" means certification procedures developed by  
33 the Department of Rehabilitation.

34 (g) "Work activity program day" means the period of time  
35 during which a Work Activity Program provides services to  
36 consumers.

37 (h) "Full day of service" means, for purposes of billing, a day  
38 in which the consumer attends a minimum of the declared and  
39 approved work activity program day, less 30 minutes, excluding  
40 the lunch period.

1 (i) "Half day of service" means, for purposes of billing, any day  
2 in which the consumer's attendance does not meet the criteria for  
3 billing for a full day of service as defined in subdivision (g), and  
4 the consumer attends the work activity program not less than two  
5 hours, excluding the lunch period.

6 (j) "Supported employment program" means a program that  
7 meets the requirements of subdivisions (n) to (s), inclusive.

8 (k) "Consumer" means any adult who receives services  
9 purchased under this chapter.

10 (l) "Accreditation" means a determination of compliance with  
11 the set of standards appropriate to the delivery of services by a  
12 work activity program or supported employment program,  
13 developed by CARF, the Rehabilitation Accreditation Commission,  
14 and applied by the commission or the department.

15 (m) "CARF" means CARF the Rehabilitation Accreditation  
16 Commission.

17 (n) "Supported employment" means paid work that is integrated  
18 in the community for individuals with developmental disabilities.

19 (o) "Integrated work" means the engagement of an employee  
20 with a disability in work in a setting typically found in the  
21 community in which individuals interact with individuals without  
22 disabilities other than those who are providing services to those  
23 individuals, to the same extent that individuals without disabilities  
24 in comparable positions interact with other persons.

25 (p) "Supported employment placement" means the employment  
26 of an individual with a developmental disability by an employer  
27 in the community, directly or through contract with a supported  
28 employment program. This includes provision of ongoing support  
29 services necessary for the individual to retain employment.

30 (q) "Allowable supported employment services" means the  
31 services approved in the individual program plan and specified in  
32 the individual habilitation service plan for the purpose of achieving  
33 supported employment as an outcome, and may include any of the  
34 following:

35 (1) Job development, to the extent authorized by the regional  
36 center.

37 (2) Program staff time for conducting job analysis of supported  
38 employment opportunities for a specific consumer.

39 (3) Program staff time for the direct supervision or training of  
40 a consumer or consumers while they engage in integrated work

1 unless other arrangements for consumer supervision, including,  
2 but not limited to, employer supervision reimbursed by the  
3 supported employment program, are approved by the regional  
4 center.

5 (4) Community-based training in adaptive functional and social  
6 skills necessary to ensure job adjustment and retention.

7 (5) Counseling with a consumer's significant other to ensure  
8 support of a consumer in job adjustment.

9 (6) Advocacy or intervention on behalf of a consumer to resolve  
10 problems affecting the consumer's work adjustment or retention.

11 (7) Ongoing support services needed to ensure the consumer's  
12 retention of the job.

13 (r) "Group services" means job coaching in a group supported  
14 employment placement at a job coach-to-consumer ratio of not  
15 less than one-to-three nor more than one-to-eight where services  
16 to a minimum of three consumers are funded by the regional center  
17 or the Department of Rehabilitation. For consumers receiving  
18 group services, ongoing support services shall be limited to job  
19 coaching and shall be provided at the worksite.

20 (s) "Individualized services" means job coaching and other  
21 supported employment services for regional center-funded  
22 consumers in a supported employment placement at a job  
23 coach-to-consumer ratio of one-to-one, and that decrease over time  
24 until stabilization is achieved. Individualized services may be  
25 provided on or off the jobsite.

26 (t) "Job exploration and discovery" means (1) services provided  
27 to enhance employment readiness, (2) social skill development  
28 services necessary to obtain and maintain employment and to  
29 secure and support participation in internship and volunteer  
30 opportunities, (3) services to access and participate in  
31 postsecondary education or career technical education, (4) services  
32 to develop resume and interview skills, and (5) services to conduct  
33 targeted employer outreach to secure employment.

34 SEC. 4. Section 4854 of the Welfare and Institutions Code is  
35 amended to read:

36 4854. (a) In developing the individual habilitation service plan  
37 pursuant to Section 4853, the habilitation service provider shall  
38 develop specific and measurable objectives to determine whether  
39 the consumer demonstrates ability to reach or maintain individual  
40 employment goals in all of the following areas:

1 (1) Participation in paid work for a specified period of time.

2 (2) Obtaining or sustaining a specified productivity rate.

3 (3) Obtaining or sustaining a specified attendance level.

4 (4) Demonstration of appropriate behavior for a work setting.

5 (b) If job exploration and discovery services are determined to  
6 be a necessary step to achieve a supported employment outcome,  
7 a job exploration and discovery plan shall be developed.

8 SEC. 5. Section 4860 of the Welfare and Institutions Code is  
9 amended to read:

10 4860. (a) (1) The hourly rate for supported employment  
11 services provided to consumers receiving individualized services  
12 shall be thirty dollars and eighty-two cents (\$30.82).

13 (2) Job coach hours spent in travel to consumer worksites may  
14 be reimbursable for individualized services only when the job  
15 coach travels from the vendor's headquarters to the consumer's  
16 worksite or from one consumer's worksite to another, and only  
17 when the travel is one way.

18 (b) The hourly rate for group services shall be thirty dollars and  
19 eighty-two cents (\$30.82), regardless of the number of consumers  
20 served in the group. Consumers in a group shall be scheduled to  
21 start and end work at the same time, unless an exception that takes  
22 into consideration the consumer's compensated work schedule is  
23 approved in advance by the regional center. The department, in  
24 consultation with stakeholders, shall adopt regulations to define  
25 the appropriate grounds for granting these exceptions. When the  
26 number of consumers in a supported employment placement group  
27 drops to fewer than the minimum required in subdivision (r) of  
28 Section 4851, the regional center may terminate funding for the  
29 group services in that group, unless, within 90 days, the program  
30 provider adds one or more regional centers, or Department of  
31 Rehabilitation-funded supported employment consumers to the  
32 group.

33 (c) Job coaching hours for group services shall be allocated on  
34 a prorated basis between a regional center and the Department of  
35 Rehabilitation when regional center and Department of  
36 Rehabilitation consumers are served in the same group.

37 (d) When Section 4855 applies, fees shall be authorized for the  
38 following:

39 (1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the  
40 program provider upon intake of a consumer into a supported

1 employment program. No fee shall be paid if that consumer  
2 completed a supported employment intake process with that same  
3 supported employment program within the previous 12 months.

4 (2) A seven-hundred-twenty-dollar (\$720) fee shall be paid  
5 upon placement of a consumer in an integrated job, except that no  
6 fee shall be paid if that consumer is placed with another consumer  
7 or consumers assigned to the same job coach during the same hours  
8 of employment.

9 (3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after  
10 a 90-day retention of a consumer in a job, except that no fee shall  
11 be paid if that consumer has been placed with another consumer  
12 or consumers, assigned to the same job coach during the same  
13 hours of employment.

14 (e) The hourly rate for job exploration and discovery services  
15 shall be forty dollars (\$40) per hour for a maximum of 75 hours  
16 per calendar quarter for all services identified and provided in the  
17 job exploration and discovery plan as developed pursuant to  
18 subdivision (b) of Section 4854.

19 (f) Notwithstanding paragraph (4) of subdivision (a) of Section  
20 4648, the regional center shall pay the supported employment  
21 program rates established by this section.

22 SEC. 6. Section 4868.5 is added to the Welfare and Institutions  
23 Code, to read:

24 4868.5. (a) The State Department of Developmental Services  
25 shall establish a pilot program for young adults with autism *and*  
26 *other developmental disabilities* to help them find pathways to  
27 financial independence through work. The program shall be  
28 developed and implemented to assist *those* individuals ~~with autism~~  
29 to obtain integrated employment outcomes that result in sufficient  
30 wages and benefits in order to decrease, over time, their  
31 dependency on public financial support.

32 (b) The pilot program described in subdivision (a) shall do all  
33 of the following:

34 (1) Develop and implement a new model for providing  
35 employment services to autistic individuals *and individuals with*  
36 *other developmental disabilities* or modify an existing model for  
37 providing those services.

38 (2) Identify existing support services that may be modified or  
39 combined with supplemental services to provide skills assessment,  
40 training, and transition services.

1 (3) Utilize available federal and state incentive programs.

2 (4) Create financial incentives for employment service providers  
3 who assist the individuals served by the pilot program to become  
4 successfully employed in jobs that pay wages that equal or exceed  
5 the Social Security Administration's substantial gainful activity  
6 level or result in the individual obtaining employer-based health  
7 benefits.

8 (5) Develop and implement a protocol for collecting and  
9 evaluating data regarding the outcomes of autistic individuals *and*  
10 *individuals with other developmental disabilities* who participate  
11 in the pilot program.

12 SEC. 7. Section 4870 is added to the Welfare and Institutions  
13 Code, to read:

14 4870. (a) There is hereby established a pilot program in the  
15 following regional ~~catchment areas~~ *centers*: Golden Gate Regional  
16 Center, East Bay Regional Center, Alta California Regional Center,  
17 Tri-Counties Regional Center, *Orange County Regional Center*,  
18 and San Diego Regional Center. ~~The~~ *If additional regional centers*  
19 *express interest in participating in the pilot program pursuant to*  
20 *this section, the department may approve up to two additional*  
21 *regional centers.*

22 (b) The pilot program shall include all of the following:

23 (1) The State Department of Developmental Services and the  
24 Department of Finance shall establish, on or before July 1, 2014,  
25 the Employment Growth Fund for purposes of the pilot project.  
26 The fund shall consist of moneys appropriated by the Legislature  
27 for purposes of this section from cost savings resulting from the  
28 reduced amount of support payments made to ~~developmentally~~  
29 ~~disabled~~ *persons with autism and other developmental disabilities*  
30 *who earn wages from gainful employment attained as a result of*  
31 *their participation in the pilot ~~project~~ program, as follows:*

32 (A) The sum of two hundred dollars (\$200) shall be allocated  
33 to the fund *from funds payable to the State Department of Health*  
34 *Care Services pursuant to the Medi-Cal program to the extent*  
35 *authorized by federal law for each Medi-Cal eligible consumer of*  
36 *regional center services for each month that he or she is enrolled*  
37 *in an employer-paid health benefit plan.*

38 (B) The sum of one thousand dollars (\$1,000) shall be allocated  
39 to the fund *from the Department of Rehabilitation*, for each  
40 consumer of regional center services who earns a monthly wage

1 that exceeds the substantial gainful activity level, as established  
 2 by the federal Social Security Administration, for at least nine  
 3 consecutive months *if the Department of Rehabilitation has*  
 4 *received cost reimbursement in that amount from the federal*  
 5 *government pursuant to the federal Ticket to Work program.* This  
 6 sum shall be allocated on a one-time basis for each consumer who  
 7 meets that criteria.

8 (C) The total amount allocated pursuant to paragraphs (A) and  
 9 (B) shall be deposited into the fund on a quarterly basis.

10 (2) Each participating regional ~~catchment area~~ center shall  
 11 submit the following information to the State Department of  
 12 Developmental Services:

13 (A) Information regarding each consumer who receives  
 14 Medi-Cal benefits and is subsequently enrolled in an employer-paid  
 15 health benefit plan.

16 (B) Information regarding each consumer who earns a monthly  
 17 wage that exceeds the substantial gainful activity level, as  
 18 established by the federal Social Security Administration, for at  
 19 least nine consecutive months.

20 (3) On and after July 1, 2015 the State Department of  
 21 Developmental Services ~~may shall~~ allocate funds from the  
 22 Employment Growth Fund ~~for the support of programs provided~~  
 23 ~~by the participating regional catchment areas to promote the~~  
 24 ~~habilitation of developmentally disabled persons to supported~~  
 25 ~~employment providers who assist consumers to attain either of the~~  
 26 ~~thresholds described in subparagraph (A) or (B) of paragraph (1).~~

27 (4) The State Department of Developmental Services shall do  
 28 all of the following:

29 (A) ~~Biannually~~ *Annually* determine the average cost of providing  
 30 ~~habilitative adult developmental center~~ services to  
 31 ~~developmentally disabled persons who receive services from with~~  
 32 ~~developmental disabilities in the participating regional catchment~~  
 33 ~~areas centers participating in the pilot program~~ and compare that  
 34 average cost to the ~~statewide average~~ actual cost of providing  
 35 ~~those supported employment services to consumers in the pilot~~  
 36 ~~program. The department, once it has determined the difference~~  
 37 ~~between those costs, shall allocate to the Employment Growth~~  
 38 ~~Fund 50 percent of the savings if the average cost of adult~~  
 39 ~~developmental center services is higher than the actual costs of~~  
 40 ~~the supported employment services provided to any consumer who~~

1 *meets either threshold described in subparagraph (A) or (B) of*  
2 *paragraph (1).*

3 (B) Prepare an annual report regarding the number of  
4 ~~developmentally disabled persons with developmental disabilities~~  
5 ~~who receive habilitative services from the participating regional~~  
6 ~~catchment areas, and estimating the cost savings to the state~~  
7 ~~resulting as a result of the program, and submit the report to the~~  
8 ~~Legislature centers as a result of the pilot program and estimated~~  
9 ~~total cost savings to the state across departments as a result of the~~  
10 ~~program.~~

11 (C) Design and implement an evaluation of the pilot program.  
12 If the pilot ~~project~~ *program* results in a ~~10%~~ *10 percent* or greater  
13 average annual increase in the number of individuals who receive  
14 habilitative services through the pilot ~~project~~ *program* being placed  
15 in supported employment, the department shall submit a  
16 recommendation to the Legislature that the program be expanded  
17 statewide.

18 ~~(b)~~

19 (c) This section shall become inoperative on July 1, 2018, and,  
20 as of January 1, 2019, is repealed, unless a later enacted statute,  
21 that becomes operative on or before January 1, 2019, deletes or  
22 extends the dates on which it becomes inoperative and is repealed.

**ASSEMBLY BILL**

**No. 954**

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**Introduced by Assembly Member Maienschein**

February 22, 2013

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An act to amend Section 4860 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 954, as introduced, Maienschein. Developmental services: habilitation.

Existing law provides that an adult who receives services for the developmentally disabled must be provided habilitation services, which include services provided under the Supported Employment Program, when he or she satisfies specified eligibility requirements. Existing law provides that, if a consumer is referred for vocational rehabilitation services and is placed on a waiting list for certain reasons, the regional center must authorize appropriate services for the consumer until services can be provided by the vocational rehabilitation program. Existing law requires the interim program provider to be paid a fee of \$360 or \$720, as specified, to provide these interim services.

This bill would increase the hourly rate paid to providers of individualized and group-supported employment services to \$34.24 and increase the fees paid to the interim program providers to \$400 and \$800, respectively.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4860 of the Welfare and Institutions Code  
2 is amended to read:

3 4860. (a) (1) The hourly rate for supported employment  
4 services provided to consumers receiving individualized services  
5 shall be ~~thirty dollars and eighty-two cents (\$30.82)~~; *thirty-four*  
6 *dollars and twenty-four cents (\$34.24)*.

7 (2) Job coach hours spent in travel to consumer worksites may  
8 be reimbursable for individualized services only when the job  
9 coach travels from the vendor's headquarters to the consumer's  
10 worksite or from one consumer's worksite to another, and only  
11 when the travel is one way.

12 (b) The hourly rate for group services shall be ~~thirty dollars and~~  
13 ~~eighty-two cents (\$30.82)~~; *thirty-four dollars and twenty-four cents*  
14 *(\$34.24)*, regardless of the number of consumers served in the  
15 group. Consumers in a group shall be scheduled to start and end  
16 work at the same time, unless an exception that takes into  
17 consideration the consumer's compensated work schedule is  
18 approved in advance by the regional center. The department, in  
19 consultation with stakeholders, shall adopt regulations to define  
20 the appropriate grounds for granting these exceptions. When the  
21 number of consumers in a supported employment placement group  
22 drops to fewer than the minimum required in subdivision (r) of  
23 Section 4851, the regional center may terminate funding for the  
24 group services in that group, unless, within 90 days, the program  
25 provider adds one or more regional centers, or Department of  
26 Rehabilitation-funded supported employment consumers to the  
27 group.

28 (c) Job coaching hours for group services shall be allocated on  
29 a prorated basis between a regional center and the Department of  
30 Rehabilitation when regional center and Department of  
31 Rehabilitation consumers are served in the same group.

32 (d) When Section 4855 applies, fees shall be authorized for the  
33 following:

34 (1) A ~~three-hundred-sixty-dollar (\$360)~~ *four hundred dollar*  
35 *(\$400)* fee shall be paid to the program provider upon intake of a  
36 consumer into a supported employment program. No fee shall be  
37 paid if that consumer completed a supported employment intake

1 process with that same supported employment program within the  
2 previous 12 months.

3 (2) ~~A seven-hundred-twenty-dollar (\$720)~~ *An eight hundred*  
4 *dollar (\$800)* fee shall be paid upon placement of a consumer in  
5 an integrated job, except that no fee shall be paid if that consumer  
6 is placed with another consumer or consumers assigned to the  
7 same job coach during the same hours of employment.

8 (3) ~~A seven-hundred-twenty-dollar (\$720)~~ *An eight hundred*  
9 *dollar (\$800)* fee shall be paid after a 90-day retention of a  
10 consumer in a job, except that no fee shall be paid if that consumer  
11 has been placed with another consumer or consumers, assigned to  
12 the same job coach during the same hours of employment.

13 (e) Notwithstanding paragraph (4) of subdivision (a) of Section  
14 4648, the regional center shall pay the supported employment  
15 program rates established by this section.

O

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013-14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1112**

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**Introduced by Assembly Member Ammiano  
(Coauthor: Assembly Member Maienschein)**

February 22, 2013

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An act to amend Section 4860 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1112, as amended, Ammiano. Developmental services: habilitation.

Existing law provides that an adult who receives services for the developmentally disabled must be provided habilitation services, which include services provided under the Supported Employment Program, when he or she satisfies specified eligibility requirements. Under existing law, *the Department of Rehabilitation or the regional center, as applicable, is required to pay providers of individualized or group-supported employment services—must be paid* an hourly rate of \$30.82. Existing law also requires that a program provider be paid ~~specified~~, *specified* additional fees under certain circumstances. *Existing law further requires the Department of Rehabilitation to establish and maintain maximum rates of payment for goods and services, as specified.*

This bill would ~~instead~~ require that ~~the hourly rate paid to those providers of individualized and group-supported employment services be consistent with the Department of Rehabilitation rate structure policy.~~ *paid the rates provided in existing law or rates established by the Department of Rehabilitation, whichever are greater.* The bill would also require that ~~the specified, additional fees paid to program providers~~

~~under existing law be consistent with the fee structure established by the Department of Rehabilitation. a program provider, under certain circumstances, be paid a fee of \$700 for employment preparation services provided to a consumer prior to placement in an integrated job.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4860 of the Welfare and Institutions Code  
2 is amended to read:

3 4860. (a) (1) The hourly rate for supported employment  
4 services provided to consumers receiving individualized services  
5 shall be ~~consistent with the Department of Rehabilitation rate~~  
6 ~~structure policy.~~ *thirty dollars and eighty-two cents (\$30.82).*

7 (2) Job coach hours spent in travel to consumer worksites may  
8 be reimbursable for individualized services only when the job  
9 coach travels from the vendor's headquarters to the consumer's  
10 worksite or from one consumer's worksite to another, and only  
11 when the travel is one way.

12 (b) The hourly rate for group services shall be ~~consistent with~~  
13 ~~the Department of Rehabilitation rate structure policy,~~ *thirty dollars*  
14 *and eighty-two cents (\$30.82),* regardless of the number of  
15 consumers served in the group. Consumers in a group shall be  
16 scheduled to start and end work at the same time, unless an  
17 exception that takes into consideration the consumer's compensated  
18 work schedule is approved in advance by the regional center. The  
19 department, in consultation with stakeholders, shall adopt  
20 regulations to define the appropriate grounds for granting these  
21 exceptions. When the number of consumers in a supported  
22 employment placement group drops to fewer than the minimum  
23 required in subdivision (r) of Section 4851, the regional center  
24 may terminate funding for the group services in that group, unless,  
25 within 90 days, the program provider adds one or more regional  
26 centers, or Department of Rehabilitation-funded supported  
27 employment consumers to the group.

28 (c) Job coaching hours for group services shall be allocated on  
29 a prorated basis between a regional center and the Department of

1 Rehabilitation when regional center and Department of  
2 Rehabilitation consumers are served in the same group.

3 ~~(d) When Section 4855 applies, fees for services provided~~  
4 ~~through the regional center shall be consistent with the fee for that~~  
5 ~~service established by the Department of Rehabilitation.~~

6 *(d) When Section 4855 applies, fees shall be authorized for the*  
7 *following:*

8 *(1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the*  
9 *program provider upon intake of a consumer into a supported*  
10 *employment program. No fee shall be paid if that consumer*  
11 *completed a supported employment intake process with that same*  
12 *supported employment program within the previous 12 months.*

13 *(2) A seven-hundred-dollar (\$700) fee shall be paid to the*  
14 *program provider for employment preparation services provided*  
15 *to a consumer prior to placement in an integrated job. No fee shall*  
16 *be paid if that consumer completed an employment preparation*  
17 *process with the same supported employment program within the*  
18 *previous 12 months.*

19 *(3) A seven-hundred-twenty-dollar (\$720) fee shall be paid upon*  
20 *placement of a consumer in an integrated job, except that no fee*  
21 *shall be paid if that consumer is placed with another consumer or*  
22 *consumers assigned to the same job coach during the same hours*  
23 *of employment.*

24 *(4) A seven-hundred-twenty-dollar (\$720) fee shall be paid after*  
25 *a 90-day retention of a consumer in a job, except that no fee shall*  
26 *be paid if that consumer has been placed with another consumer*  
27 *or consumers, assigned to the same job coach during the same*  
28 *hours of employment.*

29 *(e) Notwithstanding paragraph (4) of subdivision (a) of Section*  
30 *4648, the regional center shall pay the supported employment*  
31 *program rates established by this section, or rates established by*  
32 *the Department of Rehabilitation, whichever are greater.*

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